

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK**

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**FREDERICK TARANTINO,**

**Plaintiff,**

**vs.**

**CITY OF HORNELL, TIMOTHY AIKEN,  
SHAWN HOGAN, and JOE PELYCH,**

**Defendants.**

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**DEFENDANTS' MOTION FOR  
SUMMARY JUDGMENT**

**05-CV-6587L(P)**

**MOTION MADE BY:**

Bender, Crawford, & Bender, LLP, 68 Niagara Street, Buffalo, New York, Attorneys for the Defendants, City of Hornell, Timothy Aiken, Shawn Hogan, and Joe Pelych

**DATE, TIME, AND PLACE  
OF MOTION:**

At a date and time to be set by the Hon. David G. Larimer, U.S. District Court for the Western District of New York, 100 State Street, Rochester, New York.

**SUPPORTING PAPERS:**

The affidavit and exhibits of Holly C. Hecker, Esq., sworn to on the 30th day of August, 2007, and the affidavit and exhibits of Robert A. Roberts and Timothy Aiken, both sworn to on the 31st day of January, 2007, together with all of the pleadings and proceedings herein.

**RELIEF REQUESTED AND  
GROUNDS THEREFORE:**

Summary judgment dismissing all claims against the Defendants, City of Hornell, Timothy Aiken, Shawn Hogan, and Joe Pelych pursuant to Fed.R.Civ.P. 56, and for such other and further relief as the court deems just, proper and equitable.

**ANSWERING AFFIDAVITS:**

As set by the Court. The Defendants, City of Hornell, Timothy Aiken, Shawn Hogan, and Joe Pelych, request the opportunity to reply.

**ORAL ARGUMENT:**

Requested.

**DATED:** Buffalo, New York  
August 30, 2007

S/ Holly C. Hecker

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Holly C. Hecker

BENDER, CRAWFORD, & BENDER, LLP

*Attorneys for Defendants City of Hornell,*

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